



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/690,326	10/16/2000	Stuart Edward Jones	G&C 30566.107-US-II	3477
22462	7590	03/03/2006	EXAMINER	
GATES & COOPER LLP HOWARD HUGHES CENTER 6701 CENTER DRIVE WEST, SUITE 1050 LOS ANGELES, CA 90045				LUDWIG, MATTHEW J
			ART UNIT	PAPER NUMBER
			2178	

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/690,326	JONES ET AL.	
	Examiner	Art Unit	
	Matthew J. Ludwig	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 December 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3-14, 16-27 and 29-39 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1,3-14, 16-27, and 29-39 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

1. This action is responsive to the amendment filed December 20, 2005.
2. Claims 1, 3-14, 16-27, and 29-39, are pending in the application. Claims 1, 14, and 27, are independent claims. Claims 2, 15, and 28, have been cancelled.
3. Claims 1, 3-14, 16-27, and 29-39, remain rejected under 35 U.S.C. 103(a) as being unpatentable over Doherty in view of Glasser.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. **Claims 1, 3-14, 16-27, and 29-39, are provisionally rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 2-48 of**

co-pending application number 09/534757 (hereinafter 757') in view of Glasser et al., USPN 5,956,715 filed 9/23/1996. This is a provisional obviousness-type double patenting rejection.

Regarding independent claims 1, 14, and 27, Sweat 757' teaches:

An interactive website hosted on the computer server wherein the interactive web site is configured to provide access to architectural project information (compare to "the architectural project information is created using an interactive web site hosted on the server"). See claim 2.

A display of the interactive web site, site members of the interactive web site, and one or more projects including storing, organizing, and displaying a listing of drawings and text files in project folders and standard folders, and displaying drawings and text files (compare to "a display of the interactive web site, site members of the interactive web site, one or more projects including storing, organizing, and displaying drawings and text files in project folders and standard folders"). See column 2.

Project members of the one or more projects including defining access permissions for project members to access the project folders, the standard folders, the drawings, and the text files (compare to "project members to access the project folders, the standard folders, the drawings, and the text files").

Sweat 757' provides the interactive web site hosted on a computer server; however, the reference fails to explicitly state an application programming interface (API), executed by a client computer, having a plurality of procedures that provide for an organization of containers for storing, managing, and sharing files for one or more architectural projects. Glasser discloses the user of API's for maintaining connections across a network. Furthermore, the reference discloses a method for establishing or manipulating access controls for particular network

resources, such as files and file folders or directories in a hierarchical file storage system associated with a server computer. It would have been obvious to one of ordinary skill in the art having the teachings of Doherty and Glasser before him at the time the invention was made, to modify the architectural project information and access methods taught by Sweat 757' to include the API and folder access techniques of Glasser because it would have provided the author the advantage of easy, user friendly navigation across the web site and establishing access restrictions to files stored in a project folder.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1, 3-14, 16-27, 29-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doherty (“Project specific Web sites,” from Interiors, Vol. 157, March 1998), in view of Glasser et al., USPN 5,956,715 filed (9/23/1996).**

In reference to independent claim 1, Doherty teaches:

An interactive web site hosted on the computer server, wherein the interactive web site is configured to provide access to architectural project information (project specific web site” for “construction” projects) (compare to “the server site has defined user access permissions”). See Doherty, pages 1 and 2. Furthermore, the reference discloses project members of the one or more

projects (“members of the project teams”) including defining access permissions for project members.

The Doherty reference fails to explicitly state the utilization of an API for obtaining a connection across the internet; however, Glasser discloses the use of API for maintaining connections across a network. Furthermore, the Glasser reference discloses a method for establishing or manipulating access controls for particular network resources, such as files and file folders or directories in a hierarchical file storage system associated with a server computer. It would have been obvious to one of ordinary skill in the art having the teachings of Doherty and Glasser before him at the time the invention was made, to modify the architectural project information and access methods taught by Doherty to include the API and folder access techniques of Glasser because it would have provided the author the advantage of easy, user-friendly navigation across the web site and establishing access restrictions to files stored in a project folder.

In reference to dependent claim 3, Doherty teaches:

All provider services keep back-up copies of your project information, so that it will always be available on the Net no matter when or where you need it. See Doherty, page 2 of 2.

In reference to dependent claim 4, Doherty teaches:

A user is given limited customization options that allow you to name the project, input contact information for each project team member, and upload project information. See Doherty, page 2 of 2.

In reference to dependent claim 5, Doherty teaches:

All provider services keep back-up copies of your project information, so that it will always be available on the Net no matter when or where you need it. See Doherty, page 2 of 2.

In reference to dependent claim 6, Doherty teaches:

The Glasser reference discloses a method for establishing or manipulating access controls for particular network resources, such as files and file folders or directories in a hierarchical file storage system associated with a server computer. It would have been obvious to one of ordinary skill in the art having the teachings of Doherty and Glasser before him at the time the invention was made, to modify the architectural project information and access methods taught by Doherty to include the API and folder access techniques of Glasser because it would have provided the author the advantage of easy, user-friendly navigation across the web site and establishing access restrictions to files stored in a project folder.

In reference to dependent claim 7, Doherty teaches:

A user is given limited customization options that allow you to name the project, input contact information for each project team member, and upload project information. See Doherty, page 2 of 2.

In reference to dependent claim 8-10, Doherty teaches:

The Glasser reference discloses a method for establishing or manipulating access controls for particular network resources, such as files and file folders or directories in a hierarchical file storage system associated with a server computer. It would have been obvious to one of ordinary skill in the art having the teachings of Doherty and Glasser before him at the time the invention was made, to modify the architectural project information and access methods taught by Doherty

to include the API and folder access techniques of Glasser because it would have provided the author the advantage of easy, user-friendly navigation across the web site and establishing access restrictions to files stored in a project folder.

In reference to dependent claim 11, Doherty teaches:

The reference discloses the maintaining of an activity log that captures site member activities, logs or revisions. See Doherty, page 2 of 2.

In reference to dependent claim 12, Doherty teaches:

A user is given limited customization options that allow you to name the project, input contact information for each project team member, and upload project information. See Doherty, page 2 of 2.

In reference to dependent claim 13, Doherty teaches:

Maintaining an activity log that captures site member activities, logs or revisions. See Doherty, page 2 of 2.

In reference to claims 14, 16-26, the claims reflect the methods comprising instructions used for performing similar limitations to those of the apparatus claims, 1-25, respectively, and in further view of the following, are rejected along the same rationale.

In reference to claims 27, 29-39, the claims reflect the article of manufacture embodying an application program interface used for performing similar limitations to those of the apparatus claims, 1-25, respectively, and in further view of the following, are rejected under similar rationale.

Response to Arguments

8. The Examiner would like to point out that the indication of allowable subject matter found within the limitations in previous claims 2, 15, and 28, now incorporated in the independent claims, is withdrawn upon further consideration. Applicant cancelled objected claims 2, 15, 28, and included said claims into their respective independent claims. Upon the examiner's further review of the newly formed independent claims, the claims fail to overcome the prior art rejection of Doherty in view of Glasser. More specifically, the Doherty reference provides project specific web sites, which are interactive web sites, adopted by architectural organizations. Doherty provides a project specific website with members, security, a project directory, an electronic file cabinet of document (specs, CAD, product information), online forms and logs (RFI's, revisions, etc.). The Doherty reference, which provides a generic template for an interactive website that is project specific fails to explicitly state the utilization of an API for obtaining a connection across the internet; however, the Glasser reference uses an API for maintaining connections across a network. Furthermore, the reference discloses a method for establishing or manipulating access controls for particular network resources, such as files and file folders or directories in a hierarchical file storage system associated with a server computer. It would have been obvious to one of ordinary skill in the art having the teachings of Doherty and Glasser before him at the time the invention was made, to modify the architectural project information and access methods taught by Doherty to include the API methods and folder access techniques of Glasser because it would have provided the author the advantage of easy, user-friendly navigation across the web site and establishing access restrictions to files stored in a

project folder. Finally, the examiner would like to point out the claim language found within independent claim 1 of Sweat 757' that states, 'wherein project related administration tasks are available if a user is working with the project folders and such project related administration tasks are not available when working with the standard folders' narrowly defined the claim and overcame the rejection of Doherty in view of Glasser in the co-pending application. Without any such mention within the currently amended claim, the limitations within the independent claims do not preclude the user from maintaining the prior art rejection of Doherty in view of Glasser.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Ludwig whose telephone number is 571-272-4127. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML
February 24, 2006



STEPHEN HONG
SUPERVISORY PATENT EXAMINER